



## **MINUTES OF THE CITY COUNCIL**

**SAN JOSE, CALIFORNIA**

**TUESDAY, OCTOBER 30, 2012**

The Council of the City of San José convened in Regular Session at 9:32 a.m. in the Council Chambers at City Hall.

Present: Council Members - Campos, Chu, Constant, Nguyen, Pyle; Reed.

Absent: Council Members - Herrera, Kalra, Liccardo, Oliverio, Rocha. (Excused)

### **STRATEGIC SUPPORT SERVICES**

#### **3.2 Accept Labor Negotiations Update.**

There was no Staff presentation.

### **CLOSED SESSION**

Upon motion unanimously adopted, Council recessed at 9:33 a.m. to a Closed Session in Room W133 (A) to confer with Legal Counsel pursuant to Government Code Section 54956.9, Subsection (a) with respect to existing litigation: (1) In re: Rosendin; Amount of Money or Other Relief Sought: Administrative Appeal. (B) to confer to confer with Labor Negotiator pursuant to Government Code Section 54957.6: City Negotiator: City Manager Designee Alex Gurza; Employee Organizations: (1) Association of Building, Mechanical and Electrical Inspectors (ABMEI); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and ABMEI. (2) Association of Engineers & Architects (AEA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AEA. (3) Association of Maintenance Supervisory Personnel (AMSP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and AMSP. (4) City Association of Management Personnel Agreement (CAMP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CAMP. (5) Confidential Employees' Organization, AFSCME Local 101 (CEO); Nature of

## **CLOSED SESSION (Cont'd.)**

Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and CEO. (6) International Association of Firefighters, Local 230 (IAFF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Association of Firefighters. (7) International Brotherhood of Electrical Workers (IBEW); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and IBEW. (8) Municipal Employees' Federation, AFSCME Local 101, AFL-CIO (MEF); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and MEF; (9) International Union of Operating Engineers, Local No. 3 (OE#3); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and International Union of Operating Engineers, Local No. 3. (10) San José Police Officers' Association (SJPOA); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc; Name of Existing Contract or MOA: Memorandum of Agreement between City of San José and San José Police Officers' Association. (11) Association of Legal Professionals of San José (ALP); Nature of Negotiations: Wages/Salaries, Hours, Working Conditions, etc. Web: <http://www.sanjoseca.gov/employeerelations/moa.asp>; Telephone for Employee Relations: 408-535-8150.

By unanimous consent, Council recessed from the Closed Session at 11:30 a.m. and reconvened to Regular Session at 1:32 p.m. in the Council Chambers.

Present: Council Members - Campos, Chu, Constant (2:33 p.m.), Herrera, Kalra, Liccardo, Nguyen, Oliverio (1:42 p.m.), Pyle, Rocha, Reed.

Absent: Council Members - All Present.

## **INVOCATION**

Jerry Snyder, Artistic Director, South Bay Guitar Society presented the Invocation. (District 9)

## **PLEDGE OF ALLEGIANCE**

Mayor Reed, accompanied by Third Graders from Franklin Elementary School, led the Pledge of Allegiance.

## **ORDERS OF THE DAY**

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Orders of the Day and the Amended were approved. (9-0-2. Absent: Constant, Oliverio.)

## **CEREMONIAL ITEMS**

### **1.1 Presentation of a commendation to Telemundo of Northern California for providing more than \$400,000 in scholarships to our youth for the past 17 years. (Campos)**

Mayor Reed and Council Member Campos recognized and commended Telemundo of Northern California for their extraordinary efforts.

### **1.2 Presentation of a proclamation recognizing November 11, 2012 as Veteran's Day in the City of San José in honor of those who have served our nation in the United State Armed Forces. (Mayor/Herrera)**

Action: Deferred to November 6, 2012 per Mayor Reed.

### **1.3 Presentation of a proclamation declaring October 30<sup>th</sup> as Los Lupeños Day in the City of San José. (Pyle/Liccardo/Campos) (Rules Committee referral 10/17/12)**

Mayor Reed and Council Members Pyle, Liccardo and Campos recognized October 30, 2012 as Los Lupeños Day in the City of San José.

### **1.4 Presentation of a proclamation declaring the month of October as "Breast Cancer Awareness Month" in the City of San José. (Herrera) (Rules Committee referral 10/24/12)**

Mayor Reed and Council Member Herrera recognized the month of October as "Breast Cancer Awareness Month" in the City of San José.

## **CONSENT CALENDAR**

Upon motion by Council Member Pyle, seconded by Council Member Herrera and carried unanimously, the Consent Calendar was approved and the below listed actions were taken as indicated. (10-0-1. Absent: Constant.)

### **2.1 Approval of Minutes.**

There were none.

## 2.2 Final adoption of ordinances.

- (a) **ORD. NO. 29166 – To provide for a Business Tax Amnesty program which forgives taxpayers who pay certain past due business taxes from liability for remaining past due business taxes, interest, and civil and criminal penalties.**

Documents Filed: (1) Supplemental memorandum from City Attorney Richard Doyle, dated October 26, 2012, providing information about the modifications to the two ordinances. (2) Proof of Publication of the Title of Ordinance No. 29166 executed on October 26, 2012, submitted by the City Clerk.

Action: Ordinance No. 29166 was adopted. (10-0-1. Absent: Constant.)

- (b) **ORD. NO. 29167 – To provide for a Business Improvement District Assessment Amnesty program which forgives businesses that pay certain past due assessments from liability for interest and penalties**

Documents Filed: (1) Supplemental memorandum from City Attorney Richard Doyle, dated October 26, 2012, providing information about the modifications to the two ordinances. (2) Proof of Publication of the Title of Ordinance No. 29167 executed on October 26, 2012, submitted by the City Clerk.

Action: Ordinance No. 29167 was adopted. (10-0-1. Absent: Constant.)

## 2.3 Approval of Council Committee Reports.

- (a) **Public Safety, Finance and Strategic Support Report of September 20, 2012. (Constant)**  
(b) **Community and Economic Development Committee of September 24, 2012. (Herrera)**  
(c) **Transportation and Environment Committee of October 1, 2012. (Liccardo)**  
(d) **Neighborhood Services and Education Committee of October 11, 2012. (Pyle)**

Documents Filed: (1) The Public Safety, Finance and Strategic Support Committee Report dated September 20, 2012. (2) The Community and Economic Committee Report dated September 24, 2012. (3) The Transportation and Environment Committee Report dated October 1, 2012. (4) The Neighborhood Services and Education Committee Report dated October 11, 2012.

Action: The Council Committee Reports were approved. (10-0-1. Absent: Constant.)

- 2.4 (a) **Request for an excused absence for Mayor Reed from the Regular Meeting of the Rules and Open Government Committee on October 24, 2012 due to Authorized City Business: 2012 San José/Silicon Valley Chamber of Commerce City-to-City Trip and Study Mission to San Diego, California. (Mayor)**

Documents Filed: Memorandum from Mayor Reed, dated October 24, 2012, requesting an excused absence.

**2.4 (a) (Cont'd.)**

Public Comments: David Wall presented comments about Mayor Reed's trip to San Diego.

Action: The absence for Mayor Reed was excused. (10-0-1. Absent: Constant.)

**2.5 City Council Travel Reports.**

There were none.

**2.6 Report from the Council Liaison to the Retirement Boards.**

There were none.

**2.7 Approve settlement and authorize the City Attorney to execute a Settlement Agreement and Release with Gesel Guerrero, Mayra Guerrero, Ysenia Guerrero and Juan Quezada (Plaintiffs), providing for payment to Plaintiffs and their attorneys in the amount of \$150,000, as considered by the City Council during Closed Session held on October 2, 2012. CEQA: Not a Project, File No. PP10-066(h), Settlement Agreements. (City Attorney's Office)**

Documents Filed: Memorandum from City Attorney Richard Doyle, dated October 18, 2012, recommending approval of the settlement and authorization for the City Attorney to execute.

Public Comments: David Wall expressed opposition to the Staff recommendations.

Action: The settlement was approved and the City Attorney was authorized to execute a Settlement Agreement and Release with Gesel Guerrero, Mayra Guerrero, Ysenia Guerrero and Juan Quezada (Plaintiffs), providing for payment to Plaintiffs and their attorneys in the amount of \$150,000, as considered by the City Council during Closed Session held on October 2, 2012. (10-0-1. Absent: Constant.)

**2.8 Adopt a resolution authorizing the City Manager to execute the Third Amendment to the Agreement for Consultant Services between the City of San José and HDR Engineering, Inc. to extend the term from December 31, 2012, to December 31, 2013, and to increase the maximum compensation from \$250,000 to \$400,000. CEQA: Construction and Demonstration Phase – Categorical Exemption, File No. PP10-130; CEQA Guidelines Section 15303(d), New Construction and Conversion of Small Structures. (Environmental Services)**

Documents Filed: Memorandum from Director of Environmental Services Kerrie Romanow, dated October 9, 2012, recommending adoption of a resolution.

Public Comments: David Wall suggested that the Council scrutinize the agreement.

**2.8 (Cont'd.)**

Action: Resolution No. 76463, entitled: "A Resolution of the Council of the City of San José Authorizing the City Manager to Execute the Third Amendment to the Agreement for Consultant Services with HDR Engineering, Inc.", was adopted. (10-0-1. Absent: Constant.)

**2.9 Approve an amendment to the grant agreement with EHC LifeBuilders for the Downtown Homeless Outreach and Engagement program, extending the term of the agreement through November 30, 2012, and increasing the compensation by \$40,000, to a total amount not to exceed \$210,000. CEQA: Not a Project, File No. PP10-066(e), Agreements/Contracts. (Housing)**

Documents Filed: Memorandum from Director of Housing Leslye Corsiglia, dated October 9, 2012, recommending approval of the amendments.

Public Comments: David Wall expressed opposition to the Staff recommendations. Ross Signorino urged the Council to continue to reach out to assist the homeless and particularly help the children.

Action: An amendment to the grant agreement with EHC LifeBuilders for the Downtown Homeless Outreach and Engagement program, extending the term of the agreement through November 30, 2012, and increasing the compensation by \$40,000, to a total amount not to exceed \$210,000, was approved. (10-0-1. Absent: Constant.)

**2.10 Approve the receipt of gifts received in official capacity in accordance with San José Municipal Code Section 12.08.040. (Mayor)  
(Rules Committee referral 10/24/12)**

Documents Filed: Memorandum from Mayor Reed, dated October 22, 2012, recommending approval of the receipt of gifts.

Action: The receipt of gifts received in official capacity in accordance with San José Municipal Code Section 12.08.040, was approved. (10-0-1. Absent: Constant.)

**2.11 Approve an ordinance amending Ordinance No. 28178, as amended, to adjust the dates of the two-year pilot for the Neighborhoods Commission to reflect an extension of the Commission to June 30, 2013. CEQA: Not a Project, File No. PP10-069. (City Manager's Office)  
(Rules Committee referral 10/24/12)**

Documents Filed: Memorandum from Deputy City Manager Norberto Dueñas, dated October 25, 2012, recommending approval of an ordinance.

Motion: Council Member Liccardo moved approval of the Staff recommendations with an additional condition as indicated in "Action" on Page 7. Council Member Herrera seconded the motion.

## 2.11 (Cont'd.)

Assistant City Attorney Ed Moran responded to Council questions.

Action: On a call for the question, the motion carried unanimously, Ordinance No. 29171, entitled: “An Ordinance of the City of San José Amending Ordinance No. 28178, As Amended, To Extend the Ending Date of the Pilot for the Neighborhoods Commission to June 30, 2013”, was passed for publication, with Staff directed to include a requirement that the Chair of the Neighborhoods Commission, or its designee, to provide a summary of all matters decided upon by the Commission, and to be included in a Staff Report back to the Council. (10-0-1. Absent: Constant.)

## 2.12 As recommended by the Rules and Open Government Committee on October 18, 2012.

- (a) **Approve various community events sponsored by Council District 4 as City-sponsored Special Events:**
  - (1) **Public Safety Community Meeting held on Thursday, October 11, 2012.**
  - (2) **First Aid & CPR Training on Saturday, November 3, 2012.**
  - (3) **2<sup>nd</sup> Annual “Let’s Give” Donation Drive on November 10, 2012.**
  - (4) **4<sup>th</sup> Annual Breakfast with Santa on Saturday, December 10, 2012.**
- (b) **Approve and accept donations from various individuals, businesses, or community groups to support the event.**

**CEQA: Not a Project. (City Clerk)**

**[Rules Committee referral 10/24/12 – Item G(2)]**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated October 24, 2012, transmitting the recommendations of the Rules and Open Government Committee.

Council Member Chu thanked the San José Police Department and the San José Fire Department for co-hosting the Public Safety Community Meeting held on Tuesday, October 11, 2012.

Action: Upon motion by Council Member Chu, seconded by Council Member Campos and carried unanimously, the various community events sponsored by Council District 4 as City-sponsored Special Events were approved and acceptance of donations from various individuals, businesses, or community groups to support the events, were approved. (10-0-1. Absent: Constant.)

**END OF CONSENT CALENDAR**

## STRATEGIC SUPPORT SERVICES

### **3.4 As recommended by the Public Safety, Finance and Strategic Support Committee on October 18, 2012, accept the Audit of Fire Department Injuries. (City Auditor)**

Documents Filed: Memorandum from City Clerk Dennis D. Hawkins, CMC, dated October 24, 2012, transmitting the recommendations of Public Safety, Finance and Strategic Support Committee.

City Auditor Sharon W. Erickson presented the report. Deputy City Manager Alex Gurza provided comments.

Fire Chief William L. McDonald, Deputy Director of Fire Department Ron D'Acchioli and City Auditor Sharon W. Erickson responded to Council questions and concerns.

Action: Upon motion by Council Member Pyle, seconded by Vice Mayor Nguyen and carried unanimously, the Audit of Fire Department Injuries was accepted. (10-0-1. Absent: Constant.)

### **3.3 Approve Staff's proposed strategy to re-evaluate the current in-house service delivery model for the Workers' Compensation program and pursue a two year pilot program using a third party administrator to handle a portion of claims administration and handle bill review, utilization review and medical case management for all claims as is currently done. CEQA: Not a Project, File No. PP10-069(a), City Organizational & Administrative Activities. (City Manager's Office)**

Documents Filed: (1) Memorandum from Deputy City Manager Alex Gurza, dated October 16, 2012, recommending approval of the Staff recommendations. (2) Two emails from members of the public, both dated October 29, 2012, expressing opposition to a third party administrator.

Council Member Constant arrived to the meeting at 2:33 p.m.

Deputy City Manager Alex Gurza presented the report.

Motion: Council Member Constant moved approval of the Staff recommendations (Option 3). Vice Mayor Nguyen seconded the motion.

City Manager Debra Figone and Deputy City Manager Alex Gurza responded to Council questions and concerns.

Council Member Rocha requested to amend the motion to direct Staff to report back to the Public Safety, Finance and Strategic Support Committee in 12 months. The amendment was accepted by Council Member Constant and Vice Mayor Nguyen.



### 3.3 (Cont'd.)

Substitute Motion: Council Member Chu moved approval of Option 1: To continue providing claims administration in-house and pursue a contract for continued outsourcing of bill review, utilization review and medical case management. Council Member Kalra seconded the motion.

Mayor Reed and Council Member Constant expressed opposition to the substitute motion.

On a call for the question, the substitute motion failed. (3-8. Noes: Constant, Herrera, Liccardo, Nguyen, Oliverio, Pyle, Rocha; Reed.)

The original motion was back on the floor for discussion.

Public Comments: Elaine Bachman requested additional Staff for the Workers' Compensation Program should the City move forward with the two year pilot. Yolanda Cruz, AFSME/MEF, requested the ratio of claims to employees, the average salary of the claims and whether or not Public Safety is included in these other jurisdictions. David Wall and Robert Sapien, President of the San José Firefighters Union, expressed opposition to a third party administrator.

Action: On a call for the question, the motion carried, Staff's proposed strategy (Option 3) to re-evaluate the current in-house service delivery model for the Workers' Compensation program and pursue a two year pilot program using a third party administrator to handle a portion of claims administration and handle bill review, utilization review and medical case management for all claims as is currently done, was approved. Staff was directed to return to the Public Safety, Finance and Strategic Support Committee in 12 months with a Status Report. (7-4. Noes: Campos, Chu, Kalra, Pyle.)

## COMMUNITY & ECONOMIC DEVELOPMENT

- 4.1 (a) **Conduct a public hearing regarding the proposed annexation of Annexation Area No. 1 and formation of Zone I to Maintenance District 15 and at the close of the public hearing, direct the City Clerk to tabulate the property owner ballots and report the results.**
- (b) **If the majority of the votes tabulated are weighted in favor of the proposal:**
- (1) **Adopt a resolution:**
- (a) **Declaring the ballot tabulation result.**
- (b) **Approving the engineer's report, base assessment and annual adjustments and annexing territory and forming Zone I in Maintenance District 15.**
- (c) **Imposing the assessments on those properties within the district as proposed in the engineer's report.**

- 4.1 (b) (2) **Adopt the following 2012-2013 Appropriation Ordinance and Funding Source Resolution Amendments in the Maintenance District No. 15 (Silver Creek Valley) Fund:**
- (a) **Increase the estimate for Earned Revenue by \$53,650.**
  - (b) **Establish an estimate for Transfers from Other Funds in the amount of \$22,118.**
  - (c) **Increase the Personal Services appropriation for the Transportation Department by \$2,540.**
  - (d) **Increase the Non-Personal/Equipment appropriation for the Transportation Department by \$63,650.**
  - (e) **Increase the overhead appropriation by \$760.**
  - (f) **Increase the Ending Fund Balance by \$8,818.**
- (3) **Adopt the following 2012-2013 Appropriation Ordinance Amendments in the Storm Sewer Operating Fund:**
- (a) **Establish a Transfer to the Maintenance District No. 15 (Silver Creek Valley) Fund in the amount of \$22,118.**
  - (b) **Decrease the Ending Fund Balance by \$22,118.**

**CEQA: Mitigated Negative Declaration, File No. PDC09-010. Council District 8. (Public Works/City Manager's Office)**

Documents Filed: Memorandum from Director of Public Works David Sykes and Budget Director Jennifer A. Maguire, dated October 9, 2012, recommending conducting a public hearing and adoption of a resolution and appropriation ordinance and resolution amendments

Mayor Reed opened the public hearing.

Public Comments: There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Council Member Herrera, seconded by Council Member Oliverio and carried unanimously, Resolution No. 76464, entitled: "A Resolution of the Council of the City of San José Taking Certain Actions Related to the Proposed Annexation of New Territory and Formation of Zone I into Maintenance District 15 (Silver Creek Valley) Including the Adoption of the Engineer's Report and Setting the Assessment as Detailed Therein; Ordinance No. 29172, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Storm Sewer Operating Fund for the Maintenance District No. 15 (Silver Creek Valley) Project; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption"; Resolution No. 76465, entitled: "A Resolution of the Council of the City of San José Amending Resolution No. 76302 Setting Forth the Estimated Sources of Funds for the Fiscal Year 2012-2013 To Adjust Revenues in the Maintenance District No. 15 Fund" and Ordinance No. 29173, entitled: "An Ordinance of the City of San José Amending Ordinance No. 29102 to Appropriate Monies in the Maintenance District No. 15 Fund for the Personal Services Appropriation for Transportation Department, for the Non-Personal/Equipment Appropriation for the Transportation Department; and Providing That This Ordinance Shall Become Effective Immediately Upon Adoption", were adopted. (10-0-1. Absent: Constant.)

- 4.2 (a) Conduct a public hearing regarding the proposed annexation to Maintenance District 19 (River Oaks Area Landscaping) and at the close of the public hearing, direct the City Clerk to tabulate the property owner ballots and report the results.
- (b) If the majority of the votes tabulated are weighted in favor of the proposal, adopt a resolution:
- (1) Declaring the ballot tabulation results;
  - (2) Approving the engineer's report, base assessment and annual adjustments and annexing territory in Maintenance District 19 (River Oaks Area Landscaping); and
  - (3) Imposing the assessments on those properties within the district as proposed in the engineer's report

**CEQA: North San José Development Policy Update EIR, Resolution No. 72768. Council District 4. (Public Works)**

Documents Filed: Memorandum from Director of Public Works David Sykes and Budget Director Jennifer A. Maguire, dated October 9, 2012, recommending conducting a public hearing and adoption of a resolution.

Mayor Reed opened the public hearing.

Public Comments: There was no testimony from the floor. Mayor Reed closed the public hearing.

Action: Upon motion by Vice Mayor Nguyen, seconded by Council Member Pyle and carried unanimously, Resolution No. 76466, entitled: "A Resolution of the Council of the City of San José Taking Certain Actions Related to the Proposed Annexation of New Territory Into Maintenance District 19 (River Oaks Area Landscaping) Including the Adoption of the Engineer's Report and Setting the Assessment as Detailed Therein", was adopted. (10-0-1. Absent: Constant.)

## **NEIGHBORHOOD SERVICES**

- 5.1 (a) Adopt a resolution adopting the Mitigated Negative Declaration and the associated Mitigation Monitoring Plan and Report Program prepared for the San José Family Camp (at Yosemite) Master Development Plan (File No. PP11-057) as having been completed in compliance with the California Environmental Quality Act reflecting the City's independent judgment and analysis.
- (b) Approve the San José Family Camp (at Yosemite) Master Plan regarding possible repairs and/or enhancement/improvement projects to this City facility located on Federal land in the Stanislaus National Forest and authorize its submission to the U.S. Forest Service with Alternative Two being the preferred option of the City.

- 5.1 CEQA: The Director of Planning recommends that the City Council adopt a resolution adopting the Mitigated Negative Declaration prepared for the San José Family Camp (at Yosemite) Master Development Plan (File No. PP11-057) as having been completed in compliance with the California Environmental Quality Act (CEQA) reflecting the City's independent judgment and analysis. (Parks, Recreation and Neighborhood Services/Planning, Building and Code Enforcement)**

Documents Filed: (1) Memorandum from Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares and Director of Planning, Building and Code Enforcement Joseph Horwedel, dated October 15, 2012, recommending adoption of a resolution and approval of the master plan. (2) Letter from Garry W. Solmonson, President, Friends of San José Family Camp, dated October 10, 2012, requesting that the Council approve the San José Family Camp Master Plan.

Acting Director of Parks, Recreation and Neighborhood Services Julie Edmonds-Mares presented introductory comments. Deputy Director of Parks, Recreation and Neighborhood Services Stephen Hammack presented the report.

Motion: Council Member Pyle moved approval of the Staff recommendations. Council Member Rocha seconded the motion.

Public Comments: David Wall spoke in support to the Staff recommendations.

Action: On a call for the question, the motion carried unanimously, Resolution No. 76467, entitled: "A Resolution of the Council of the City of San José Adopting the San José Family Camp Master Development Plan Mitigated Negative Declaration, For Which An Initial Study Was Prepared, All In Accordance With the California Environmental Quality Act, As Amended, and Adopting a Related Mitigation Monitoring and Reporting Program", was adopted and the San José Family Camp at Yosemite Master Plan regarding possible repairs and/or enhancement/improvement projects to this City facility located on Federal land in the Stanislaus National Forest and authorize its submission to the U.S. Forest Service with Alternative Two being the preferred option of the City, was approved. (10-0-1. Absent: Constant.)

## **PUBLIC SAFETY SERVICES**

- 8.1 Accept this six-month status report on the San José Police Department's Secondary Employment Unit. CEQA: Not a Project, File No. PP10-069(a), Staff report. (Police)**

Documents Filed: Memorandum from Chief of Police Christopher M. Moore, dated October 9, 2012, recommending acceptance of the six-month status report.

Motion: Council Member Herrera moved approval of the six-month status report. Vice Mayor Nguyen seconded the motion.

## 8.1 (Cont'd.)

Lieutenant Thomas Sims, Assistant Chief of Police Rikki Goede and Assistant City Manager Edward K. Shikada responded the Council questions and concerns.

Public Comments: David Wall presented comments on the report.

Action: On a call for the question, the motion carried unanimously, the six-month status report on the San José Police Department's Secondary Employment Unit, was accepted. (10-0-1. Absent: Constant.)

## OPEN FORUM

- (1) David Wall spoke in support to the acquisition of three 4.6 megawatt generators at the Water Pollution Control Plant, but he added for safety reasons, each generator should be housed in a separate building.
- (2) Judy Bender expressed her own concerns that there is not adequate Staffing at Fire Station 35.

## ADJOURNMENT

The Council of the City of San José was adjourned at 4:28 p.m. in memory of Isaiah, "Ike" White Jr., retired Chief Master Sergeant, United States Air Force. Born on May 29, 1930, Ike died on October 13, 2012, after a lifetime of public service to the residents of Evergreen, the City of San José and the Nation. (Herrera)

Minutes Recorded, Prepared and Respectfully Submitted by,

Dennis Hawkins, CMC  
City Clerk

smd/10-30-12 MIN

Access the video, the agenda and related reports for this meeting by visiting the City's website at <http://www.sanjoseca.gov/city> or <http://www.sanjoseca.gov/civiccenter/tv>. For information on any ordinance that is not hyperlinked to this document, please contact the Office of the City Clerk at (408) 535-1266.